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EXAMINER

LOCKETT, K

ART UNIT

PAPER NUMBER

2837

DATE MAILED:

10/14/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/199,747

Applicant(s)  
Dudley D. Gimpel

Examiner  
Kim Lockett

Group Art Unit  
2837



- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

- ☒ Claim(s) 1-28 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-28 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 112*

1. Claims 25-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The "extending outwardly projections" recited in claim 11 are not clear. It is not clear whether or not applicant is referring to the slots or the intonationations. Claims 25-28 recite the use of a zero fret, this phrase is not understood. Appropriate correction is required.

### *Claim Rejections - 35 U.S.C. § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over LoJacono et al.

LoJacono et al teaches the use of a nut for a stringed instrument having one or more strings, a body and a neck, the nut comprising, a elongated body that extends across a portion of

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the neck of the instrument, tuning keys(42), one or more intonations(17) that are equal to the number of strings (see figure 7) (claims 2, 14, and 19 ) on the front side of the body where the intonations having different dimensions that accommodate strings of different sizes.

Regarding claims 3 and 4, LoJacono teaches slots(22) that are aligned with an intonation (see figure 1).

Regarding claim 6, LoJacono teaches the use of first and second sidewalls(see figure 3).

Regarding claims 5 and 8 reciting specific diameters, the examiner takes official notice that the specific diameters recited in claims 5 and 8 are a conventional design choice.

Regarding claims 10, 11, and 15, LoJacono teaches the use of an opening in the top surface of the nut(figure 7) and the intonation portions comprising outward projections(figure 1).

Regarding claim 13, the nut taught by LoJacono has a front side, back side, a top, and a bottom side (see figure 4).

Regarding claim 17, the bottom side of the nut contacts the neck of the instrument and the front side of the nut faces the body of the instrument.

Regarding claims 22-24 Lojocano teaches a plurality of termination points offset in distance from one another along the body of the instrument.

LoJacono does not specifically teach the varying of string sizes to achieve specific pitches. However LoJacono does teach adjusting intonations having different dimensions that can accommodate strings of different sizes. The examiner takes official notice that it is well known in

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the art to vary the size of strings in order to provide different pitches for stringed musical instruments.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of LoJacono to include varying string dimensions in order to provide an efficient arrange of pitches.

4. Claims 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over LoJacono et al in view of Wilkinson.

Claims 7 further recites the use of first and second walls joined by a lower surface.

Wilkinson teaches the use of a nut for stringed instruments comprising first and second side walls joined by a lower surface (see figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of LoJacono and Wilkinson to provide different diameters in order to allow for varying string dieameters.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilkinson, Plescia, Porter, and Bersten teach the use of nuts for stringed instruments..

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Locket whose telephone number is (703) 308-7615.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370. The fax phone number for this Group is (703) 305-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

  
**ROBERT E. NAPPI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**